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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,486	02/07/2001	Christopher J. Edge	10259US01	4711

7590 08/01/2003

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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2673

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/778,486	EDGE ET AL.
Period for Reply	Examiner	Art Unit
	Leonid Shapiro	2673
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.		
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status		
<p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>07 February 2001</u>.</p> <p>2a)<input type="checkbox"/> This action is FINAL. 2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims		
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-40</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-40</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
Application Papers		
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>		
<p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p>		
<p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
Priority under 35 U.S.C. §§ 119 and 120		
<p>13)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>		
<p>* See the attached detailed Office action for a list of the certified copies not received.</p>		
<p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>		
<p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
Attachment(s)		
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p>		

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-40 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-42 of copending Application No. 09/778704. This is a provisional obviousness-type double patenting rejection.

Relative to claims 1, 15, and 26, although claims 1, 15, and 26 are not identical to claims 1, 16 and 27-34 of said Pub. No. 2002/0015044 A1, they are not patentably distinct from each other because they are describing an estimated gamma for a green channel of display device and estimating overall gamma for red, blue and green as gray balance by shifting red-blue elements with gray background for system including web server and computer readable medium containing instructions.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 6-8, 17-20, 31-33 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification/disclosure does not provide support for recited in amended claims 6-8, 17-20, 31-33 as a whole how to make or use applicant's claimed invention by one skilled in the art. The effect of placing the green and blue values shifted from the color value of the selected green element with display device is not disclosed in specification. No working examples disclosing the necessary parameters have been provided. Without this disclosure, one skilled in the art cannot practice the invention without undue experimentation because of the uncertainty of placing the green and blue values shifted from the color value of the selected green element with display device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-5, 9-10, 13, 26, 29-30, 35, 38 rejected under 35 U.S.C. 103(a) as being unpatentable over Engeldrum et al. (US Patent No. 5,638,117) in view of Schonenberg et al. (US Patent No. 5,400,153).

As to claim 1, Engeldrum et al. teaches a method with characterizing overall gamma for red, blue, and green channels of the display device based on estimated gamma (See Fig. 1-2,

items 102, 104, 302, 304 in description See Col. 3, Lines 2-20); modifying the overall gamma based on a gray balance evaluation for the red and blue channels (See Fig. 5, items 500, 102, 206, in description See Col. 3, Lines 50-63).

Engeldrum et al. teaches a preliminary step in characterizing or calibrating monitor to set up the brightness to a value that will maximize the number of visible colors that can be displayed (See Fig. 2, items 104, 200, in description See Col. 2, Lines 43-48).

Engeldrum et al. does not teach estimating an initial gamma for a display device based on selection of a displayed green element that appears to most closely blend with a dithered green background.

Schonenberg et al. shows to define a minimum (initial) requirement for intensity done with the green color on green background (See Col. 19, Lines 15-33). Since criticality of using the dithered green background was not shown in the specifications, drawings or claims, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Schonenberg et al approach using green background in the Engeldrum et al. method in order to display color images accurately and clearly.

As to claim 26, Engeldrum et al. teaches a computer-readable medium containing instructions to cause a programmable processor to characterize overall gamma for red, blue, and green channels of the display device based on estimated gamma (See Fig. 1-2, items 102, 104, 302, 304 in description See Col. 3, Lines 2-20); modify the overall gamma based on a gray balance evaluation for the red and blue channels (See Fig. 5, items 500, 102, 206, in description See Col. 3, Lines 57-63).

Engeldrum et al. teaches a preliminary step in characterizing or calibrating monitor to set up the brightness to a value that will maximize the number of visible colors that can be displayed (See Fig. 2, items 104, 200, in description See Col. 2, Lines 43-48).

Engeldrum et al. does not teach estimating an initial gamma for a display device based on selection of a displayed green element that appears to most closely blend with a dithered green background.

Schonenberg et al. shows to define a minimum (initial) requirement for intensity done with the green color on green background (See Col. 19, Lines 15-33). Since criticality of using the dithered green background was not shown in the specifications, drawings or claims, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Schonenberg et al approach using green background in the Engeldrum et al. method in order to display color images accurately and clearly.

As to claims 4-5, Engeldrum et al. and Schonenberg et al. teaches selecting one of a first plurality of green elements displayed by the display device that appears to most closely blend with the dithered green background; estimating a coarse gamma for the display device based on the selected one of the first plurality of green elements (See above the rejection of claim 1).

Engeldrum et al. and Schonenberg et al. do not teach selecting one of the second plurality of the green elements displayed by the display device that appears to most closely blend with dithered green background, wherein the second plurality of green elements includes the selected one of the first plurality of green elements; and estimating a fine gamma for display device based on the selected one of the second of plurality of green elements, wherein the estimated fine

gamma is the estimated gamma and the first plurality of green elements represent greater gradations in the green intensity than the second plurality of green elements.

One of ordinary skill in the art will recognize that the first and second plurality of green elements only differ in the scale of gradations, therefore will required no new approach. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the second plurality of green elements and estimate a fine gamma in the Engeldrum et al. and Schonenberg et al method in order to display color images accurately and clearly.

As to claims 29-30, Engeldrum et al. and Schonenberg et al. teaches selecting one of a first plurality of green elements displayed by the display device that appears to most closely blend with the dithered green background; estimating a coarse gamma for the display device based on the selected one of the first plurality of green elements (See above the rejection of claim 1).

Engeldrum et al. and Schonenberg et al. do not teach selecting one of the second plurality of the green elements displayed by the display device that appears to most closely blend with dithered green background, wherein the second plurality of green elements includes the selected one of the first plurality of green elements; and estimating a fine gamma for display device based on the selected one of the second of plurality of green elements, wherein the estimated fine gamma is the estimated gamma and the first plurality of green elements represent greater gradations in the green intensity than the second plurality of green elements.

One of ordinary skill in the art will recognize that the first and second plurality of green elements only differ in the scale of gradations, therefore will required no new approach. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the second plurality of green elements and estimate a fine gamma in the Engeldrum et al. and

Schonenberg et al computer-readable medium in order to display color images accurately and clearly.

As to claim 10, Engeldrum et al. teaches how to estimate both the blackpoint and the gray balance of the display device; and characterizing the colorimetric response of the display device based on the estimated gamma, blackpoint, and gray balance (See Fig. 4, 5 items 302, 104, 102 in description See Col. 3, Lines 51-55 and Col.4, Lines 33-39).

As to claim 35, Engeldrum et al. teaches how to estimate both the blackpoint and the gray balance of the display device; and characterizing the colorimetric response of the display device based on the estimated gamma, blackpoint, and gray balance (See Fig. 4, 5 items 302, 104, 102 in description See Col. 3, Lines 51-55 and Col.4, Lines 33-39).

As to claim 13, Engeldrum et al. teaches the dithered green background overlaid by a number of closely spaced black lines.

One of ordinary skill in the art will recognize that any value of green background would be assigned for the testing and characterization, including 33% green background. It would have been obvious to one of ordinary skill in the art at the time of the invention to use 33% green background in the Engeldrum et al. and Schonenberg et al method in order to display color images accurately and clearly.

As to claim 38, Engeldrum et al. teaches the dithered green background overlaid by a number of closely spaced black lines.

One of ordinary skill in the art will recognize that any value of green background would be assigned for the testing and characterization, including 33% green background. It would have

been obvious to one of ordinary skill in the art at the time of the invention to use 33% green background in the Engeldrum et al. and Schonenberg et al computer-readable medium in order to display color images accurately and clearly.

5. Claims 9, 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Engeldrum et al. and Schonenberg et al. as aforementioned in claim 1, 26 in view Hill et al. (US Patent No. 6,243,070 B1).

As to claims 9, 34, Engeldrum et al. and Schonenberg et al. do not show teaches the estimated gamma is limited to the green channel.

Hill et al. teaches the estimated gamma is limited to the green channel (See Col. 35, lines 3-10, and Lines 13-19, and Col. 36, Lines 46-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Hill et al approach in the Engeldrum et al. and Schonenberg et al the system in order to display color images accurately and clearly.

6. Claims 2-3, 11-12, 15-16, 21-25, 27-28, 36-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Engeldrum et al. and Schonenberg et al. as aforementioned in claims 1, 26 in view of Seegers et al. (US Patent No. 6, 439, 722 B1).

As to claim 2, Engeldrum et al. and Schonenberg et al. do not teach to modify a color image based at least in part on the estimated gamma; and delivering the modified color image to the display device.

Seegers et al. show how to modify a color image based at least in part on the estimated gamma; and delivering the modified color image to the display device (See Col. 1, Lines 63-67 and Col.2, Lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Seegers et al approach in the Engeldrum et al. and Schonenberg et al. method in order to display color images accurately and clearly.

As to claim 27, Engeldrum et al. and Schonenberg et al. do not teach to modify a color image based at least in part on the estimated gamma; and delivering the modified color image to the display device.

Seegers et al. show how to modify a color image based at least in part on the estimated gamma; and delivering the modified color image to the display device (See Col. 1, Lines 63-67 and Col.2, Lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Seegers et al approach in the Engeldrum et al. and Schonenberg et al. the computer-readable medium in order to display color images accurately and clearly.

As to claim 3, Engeldrum et al. and Schonenberg et al. do not teach the display device is associated with a client residing on a computer network and transmitting information representing the estimated gamma to a remote server on the network; modifying the color image at the remote server based on the information; and delivering the modified image to the client via the computer network for display on the display device.

Seegers et al. show how the display device is associated with a client residing on a computer network and transmitting information representing the estimated gamma to a remote server on the network; modifying the color image at the remote server based on the

information; and delivering the modified image to the client via the computer network for display on the display device (See Col. 1, Lines 63-67 and Col. 2, Lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Seegers et al approach in the Engeldrum et al. and Schonenberg et al. method in order to display color images accurately and clearly.

As to claim 28, Engeldrum et al. and Schonenberg et al. do not teach the display device is associated with a client residing on a computer network and transmitting information representing the estimated gamma to a remote server on the network; modifying the color image at the remote server based on the information; and delivering the modified image to the client via the computer network for display on the display device.

Seegers et al. show how the display device is associated with a client residing on a computer network and transmitting information representing the estimated gamma to a remote server on the network; modifying the color image at the remote server based on the information; and delivering the modified image to the client via the computer network for display on the display device (See Col. 1, Lines 63-67 and Col. 2, Lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Seegers et al approach in the Engeldrum et al. and Schonenberg et al the computer-readable medium in order to display color images accurately and clearly.

As to claim 15, Engeldrum et al. and Schonenberg et al. teach the information includes an initial gamma for the display device, the initial gamma being determined based on selection of the displayed green element that appears to most closely blend with a dithered green background, and an overall gamma for red, blue, green channels of the display device determined from

modification of the initial gamma based on a gray balance evaluation for the red and blue color channels (See rejection of claim 1).

Engeldrum et al. and Schonenberg et al. do not teach a system with a web server to transmit web pages to clients residing on a computer network; a color image server to transmit color images referenced by the web pages to the clients for display devices associated with the clients; a color profile server to guide clients through a color profiling process and obtain information characterizing the color responses of the display devices associated with the clients; one or more color correction modules to modify the color image server based on information to improve the accuracy of the color images when displayed on the respective display device

Seegers et al. teaches a system with a web server to transmit web pages to clients residing on a computer network (See Fig. 1, item 14, in description See Col. 4, Lines 42-54); a color image server to transmit color images referenced by the web pages to the clients for display devices associated with the clients (See Col. 1, Lines 63-67 and Col. 2, Lines 1-9); a color profile server to guide clients through a color profiling process and obtain information characterizing the color responses of the display devices associated with the clients (See Col. 1, Lines 63-67 and Col. 2, Lines 1-9); one or more color correction modules to modify the color image server based on information to improve the accuracy of the color images when displayed on the respective display device (See Col. 1, Lines 63-67 and Col. 2, Lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Seegers et al approach in the Engeldrum et al. and Schonenberg et al the system in order to display color images accurately and clearly.

As to claim 16, Seegers et al. teaches the color image server the information to the client in the web cookie from the client to server, and the color image server modifies the color image via server based on the contents of the web cookie (See Fig. 1, item 24, in description See Col.1, Lines 63-67 and Col. 2, lines 1-9).

As to claims 21-22 Engeldrum et al. and Schonenberg et al. teaches selecting one of a first plurality of green elements displayed by the display device that appears to most closely blend with the dithered green background; estimating a coarse gamma for the display device based on the selected one of the first plurality of green elements (See above the rejection of claim 1).

Engeldrum et al. and Schonenberg et al. do not teach selecting one of the second plurality of the green elements displayed by the display device that appears to most closely blend with dithered green background, wherein the second plurality of green elements includes the selected one of the first plurality of green elements; and estimating a fine gamma for display device based on the selected one of the second of plurality of green elements, wherein the estimated fine gamma is the estimated gamma and the first plurality of green elements represent greater gradations in the green intensity than the second plurality of green elements.

One of ordinary skill in the art will recognize that the first and second plurality of green elements only different in the scale of gradations, therefore will required no new approach. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the second plurality of green elements and estimate a fine gamma in the Engeldrum et al. and Schonenberg et al system in order to display color images accurately and clearly.

As to claim 24, Engeldrum et al. teaches how to estimate both the blackpoint and the gray balance of the display device; and characterizing the colorimetric response of the display

device based on the estimated gamma, blackpoint, and gray balance (See Fig. 4, 5 items 302, 104, 102 in description See Col. 3, Lines 51-55 and Col.4, Lines 33-39).

As to claim 25, Engeldrum et al. teaches the dithered green background overlaid by a number of closely spaced black lines.

One of ordinary skill in the art will recognize that any value of green background would be assigned for the testing and characterization, including 33% green background. It would have been obvious to one of ordinary skill in the art at the time of the invention to use 33% green background in the Engeldrum et al. and Schonenberg et al. system in order to display color images accurately and clearly.

As to claims 11-12, Seegers et al. teaches transmitting information representing the estimated blackpoint, gamma and gray balance to a remote server on the network; delivering the modified color image to the client via the computer network for the display on the display device (Fig. 1, items 14, 24, in description See Col. 1, Line 64-67 and Col.2, Lines 1-9).

As to claims 36-37, Seegers et al. teaches transmitting information representing the estimated blackpoint, gamma and gray balance to a remote server on the network; delivering the modified color image to the client via the computer network for the display on the display device (Fig. 1, items 14, 24, in description See Col. 1, Line 64-67 and Col.2, Lines 1-9).

5. Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Engeldrum et al, Schonenberg et al. and Seegers et al. in view of Hill et al.

As to claim 23 Engeldrum et al., Schonenberg et al. and Seegers et al. do not show teaches the estimated gamma is limited to the green channel.

Hill et al. teaches the estimated gamma is limited to the green channel (See Col. 35, lines 3-10, and Lines 13-19, and Col. 36, Lines 46-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Hill et al approach in the Engeldrum et al., Schonenberg et al. and Seegers et al. the system in order to display color images accurately and clearly.

7. Claims 14, 39-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Engeldrum et al. and Schonenberg et al. as aforementioned in claims 1, 15 in view of Craft et al. (US Patent No. 6, 349,300 B1).

As to claim 14, Engeldrum et al. and Schonenberg et al. do not show guiding the client through the process of obtaining the estimated gamma by delivering one or more instructional web pages to the client.

Craft et al. teaches guiding the client through the process of obtaining the estimated gamma by delivering one or more instructional web pages to the client (See Fig. 5, items 28, 30, in description See Col. 6, Lines 29-5900. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Craft et al approach in the Engeldrum et al. and Schonenberg et al. method in order to display color images accurately and clearly.

As to claim 39, Engeldrum et al. and Schonenberg et al. do not show guiding the client through the process of obtaining the estimated gamma by delivering one or more instructional web pages to the client.

Craft et al. teaches guiding the client through the process of obtaining the estimated gamma by delivering one or more instructional web pages to the client (See Fig. 5, items 28, 30,

in description See Col. 6, Lines 29-5900. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Craft et al approach in the Engeldrum et al. and Schonenberg et al. computer-readable medium in order to display color images accurately and clearly.

As to claim 40, Craft et al teaches the instructions are contained both in physical data storage media and signals transmitted between the client and other resources on the computer network (See Fig. 1, items 35, 18, in description See Col. 1, Lines 42-46 and Col. 2, Lines 20-33).

Response to Amendment

8. This Office Action is in response Applicant's Amendment dated 01-17-03.

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

10. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

11. Applicant's arguments on page 5, regarding claims 6-8, 17-20 and 31-33 stated that claims were amended to remove the effect of placing the red-blue elements with green

background, as formulated in 112 1st paragraph rejection filed on 10-24-02 acknowledged.

However the new matter was introduced in amended claims: "placing the green and blue values shifted from the color value of the selected green element with display device".

Therefore, new 112 1st paragraph rejection was introduced in this Office Action.

Telephone inquire

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

ls
March 20, 2003


BIPIN SHALWALA
SUPPLEMENTARY PATENT EXAMINER
TECHNOLOGY CENTER 2800